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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-00791 CW
)	
Plaintiff,)	UNITED STATES' SENTENCING
)	MEMORANDUM FOR DEFENDANT
v.)	ROCKY NEVES
)	
ROCKY NEVES,)	Sentencing Date: June 18, 2008
)	Sentencing Time: 2:00 p.m.
Defendant.)	

In accordance with the April 9, 2008, Rule 11(c)(1)(C) Plea Agreement, the United States respectfully requests this Court sentence the defendant to a sentence of imprisonment of 18 months.

Additionally, in accordance to the Plea Agreement, the United States respectfully requests this Court impose a one-year term of supervised release to run consecutive to the three-year term to be served pursuant to Docket CR 03-40148-01 DLJ, Felony Accessory, and order the defendant to pay a \$100 special assessment. The United States notes that U.S. Probation recommends a two-year term of supervised release to run concurrent with the supervised release term for the Felony Accessory matter. A consecutive term of supervised release is appropriate in

SENTENCING MEMORANDUM

1 this instance because the defendant's escape constitutes a separate criminal offense, and the
2 factors set forth in 18 U.S.C. § 3553(a) strongly weigh in favor of a consecutive term. 18 U.S.C.
3 § 3583(c). In particular, the defendant's serious 37-year criminal history, and admitted chronic
4 abuse of controlled substances over the past 44 years, heightens the concern for the defendant's
5 potential recidivism upon release from custody and the need to protect the public from further
6 crimes by the defendant (18 U.S.C. § 3553(a)(2)(C)), as well as to provide the defendant with
7 needed educational or vocational training, medical care, or other correctional treatment in the
8 most effective manner (18 U.S.C. § 3553(a)(2)(D)).

9 _____
10 JOSEPH P. RUSSONIELLO
11 United States Attorney

12 Dated: June 11, 2008

13 _____ /s/
14 DANIEL R. KALEBA
15 Assistant United States Attorney
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